

MARY LEE DAVIS, as  
Administrator of the Estate of  
Fletcher Ray Stewart,  
deceased, ,  
  
Plaintiff,  
  
vs.  
  
BRYAN EDWARDS, *et al.*,  
  
Defendant,

After a de novo review of the record in this case, the Report and Recommendation filed by the United States Magistrate Judge on September 5, 2017, is hereby approved, adopted, and made the Order of the Court.

Accordingly, for the reasons stated in the Report and Recommendation, Defendants, Abbett, Edwards, Hough, and McMichael's Motion to Dismiss Plaintiff's Amended Complaint (Doc. 41), Defendants, Abbett, Edwards, Hough, and McMichael's Supplemental Motion to Dismiss Plaintiff's Amended Complaint (Doc. 45), and Defendants' Barbour, Hardnett, Fenn, and City of

Dadeville's Motion to Dismiss (Doc. 47) are hereby GRANTED IN PART and DENIED IN PART as follows: Counts IV, V, VI, and VIII of Plaintiff's Amended Complaint are dismissed as to all Defendants. On Count VII, Defendants' motion to dismiss as to the Defendant Edwards is granted, and on the claims of negligence against Hardnett, Fenn, and the City of Dadeville the motion is granted. As to the remaining claims against Hardnett, Fenn, and the City of Dadeville, the motion is granted with leave to amend. In all other respects, the motions are denied.

SO ORDERED this December 21, 2017.

s/Clay D. Land  
CLAY D. LAND  
UNITED STATES DISTRICT JUDGE